

10.10.2023.
Item no. 256.
Court No.19
ap

C.O. No. 1572 of 2023

**Rina Saha
Versus
Pravat Kumar Sanyal & Anr.**

Mr. Partha Pratim Roy,
Mr. Sajal Kanti Bhattacharyya,
Mr. Sarthak Burman.

...For the petitioners.

Mr. Pinaki Ranjan Mitra,
Mr. Tulsi Das Maiti,
Mr. Pradip Kumar Ghosh.

...For the opposite parties.

The revisional application arises out of an order dated 6th May, 2023 passed by the learned Additional District Judge, Nabadwip at Nadia in Misc. Appeal No. 10 of 2021. The Misc. Appeal arises out of Title Suit No. 85 of 2021.

The injunction application filed by the plaintiff was dismissed. Based on the Arpanama and the proceedings in the probate case as also the R.S. and L.R. Records of Rights, the learned lower appellate court held that plaintiff/petitioner could not make out any positive case for grant of temporary injunction.

Both the courts below came to a factual finding with regard to the right, title and interest of the parties and held that the issues should be decided only on the trial.

Under these circumstances, this Court under supervisory jurisdiction cannot go beyond the findings of the learned Courts below. Hence, the revisional

application is disposed of without any interference with the order.

The observations made herein are tentative and shall not influence the final adjudication of the suit. The suit shall be disposed of expeditiously, preferably within a period of eight months from the next date fixed, without granting any unnecessary adjournments to either of the parties.

There will be, however, no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Shampa Sarkar, J.)